

Report on the

Board of Examiners In Counseling

Birmingham, Alabama



Department of Examiners of Public Accounts

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July 11, 2007

Senator Larry Dixon
Chairman, Sunset Committee
Alabama State House
Montgomery, AL 36130

Dear Senator Dixon:

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the Board of Examiner in Counseling in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the Board of Examiners in Counseling, in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,



Ronald L. Jones
Chief Examiner

Examiners
Chris Parish
Julie Garner

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PROFILE

Purpose/Authority

The Board of Examiners in Counseling operates under authority of the *Code of Alabama 1975*, Sections 34-8A-1 through 34-8A-24. The board is responsible for licensing and regulating the professional practice of counseling in Alabama.

Characteristics

Members and Selection	<p>7 total members</p> <ul style="list-style-type: none"> • 2 citizens from the general public, • 2 counselor educators, and • 3 counselors in private practice <p>All vacancies are filled by persons appointed by the Governor from a list of two candidates selected by the Executive Committee of the Alabama Counseling Association or its successor agency.</p> <p><i>Code of Alabama 1975</i>, Section 34-8A-1 and 4</p>
Term	<p>5 years, staggered</p> <p>Members are ineligible for reappointment for a period of three years following completion of term.</p> <p><i>Code of Alabama 1975</i>, Section 34-8A-4</p>
Qualifications	<p>Counseling profession members must be actively licensed.</p> <p>In practice for at least one year or teaching counseling at a regionally accredited institution of higher learning for at least three years immediately preceding appointment.</p> <p><i>Code of Alabama 1975</i>, Section 34-8A-4</p>
Racial Representation	<p>No specific statutory requirement.</p> <p>One minority race member is currently serving on the board.</p>
Geographical Representation	<p>No specific statutory requirement.</p>
Consumer Representation	<p>Two members from the General Public.*</p> <p>Two members serving</p> <p>* Nominated by the Alabama Counseling Association</p> <p><i>Code of Alabama 1975</i>, Section 34-8A- 4</p>

Other Representation	<p>The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.</p> <p>A college or university shall have only one counselor educator representative, as a member of the board at any one time.</p> <p>No more than one practitioner from the same practice setting or corporation shall be members of the board at any one time.</p> <p><i>Code of Alabama 1975</i>, Section 34-8A-4</p>						
Compensation	<p>Each member shall receive all necessary expenses incident to holding meetings plus an honorarium (currently \$300) approved by the Governor.</p> <p><i>Code of Alabama 1975</i>, Section 34-8A-5</p>						
<u>Operations</u>							
Administrator	<p>Walter H. Cox, Ed.D., Executive Director Employed by the board under contract. Current annual salary \$74,444.</p> <p><i>Code of Alabama 1975</i>, Section 34-8A-5(a)</p>						
Location	<p>950 - 22nd Street North, Suite 670 Birmingham, AL 35205</p>						
Examinations	<p>The board administers the National Counselors Examination for Licensure and Certification (NCE).</p> <p>Examination Results October 1, 2005 through September 30, 2006: 55 Passed and 41 Failed.</p> <p><i>Code of Alabama 1975</i>, Section 34-8A-7</p>						
Renewals	<p>Biennially (July) <i>Code of Alabama 1975</i>, Section 34-8A-14</p> <p>Online renewal is not available.</p>						
Licensees*	<table> <tr> <td>Licensed Professional Counselor (LPC)</td><td>1,500</td></tr> <tr> <td>Associate Licensed Counselor (ALC)</td><td><u>260</u></td></tr> <tr> <td>Total Licensees</td><td>1,760</td></tr> </table> <p>*As of February 28, 2007</p>	Licensed Professional Counselor (LPC)	1,500	Associate Licensed Counselor (ALC)	<u>260</u>	Total Licensees	1,760
Licensed Professional Counselor (LPC)	1,500						
Associate Licensed Counselor (ALC)	<u>260</u>						
Total Licensees	1,760						

Reciprocity	<p>Yes, conditional upon evidence satisfactory to the board that the applicant is licensed as a professional counselor or certified as a counselor associate by another state, territorial possession of the U.S., District of Columbia or Commonwealth of Puerto Rico; if the requirements for such licensure or certification are substantially equivalent to those of Alabama.</p> <p><i>Code of Alabama 1975</i>, Section 34-8A-15</p>
Continuing Education	<p>Twenty (20) or more formal contact clock hours of relevant CPE for ALC renewal. A maximum of 10 hours may be obtained by supplying documentation of two or more of the following activities:</p> <p>Forty (40) formal contact clock hours of relevant CPE for LPC renewal. A maximum of 20 hours may be obtained by supplying documentation of two or more of the following activities:</p> <p><u>Activities</u></p> <ol style="list-style-type: none"> 1. Publication of peer reviewed material that is primarily counseling in nature. 2. Therapy received (counseled, psychotherapy, analysis) leading to certification or utilized as a learning modality that is pre-approved by the board and yields a certificate or similar document for inclusion in the licensure file. 3. Services on boards, commissions, and holding office in professional organizations, specifically related to counseling, and in which at least 30 hours annually are devoted to such service. <p><i>Code of Alabama 1975</i>, Section 34-8A-14 and Administrative Rule 255-X-7-.03 (d) (3)</p>
Employees	<p>1 unclassified merit system employee 5 contract employees</p>
Legal Counsel	<p>Robert D. Tambling, Assistant Attorney General Attorney General's Office</p>
Subpoena Power	<p>Yes, persons only</p> <p><i>Code of Alabama 1975</i>, Section 34-8A-19</p>

Internet Presence	http://www.abec.state.al.us - the board's web site contains <ul style="list-style-type: none"> • Contact information • Application package for renewals • Listing of upcoming NCE exam dates • Listing of board members • Read capability for the enabling statutes and administrative code • Listing of upcoming scheduled board meetings • Links to the national board and national associations • Listing of current fee schedule • Code of Ethics • Statements/Policies • Espanol • Translation disclaimer • Proposed legislation • ALC roster search • LPC roster search Links not yet operable <ul style="list-style-type: none"> • Licensing FAQ's • Complaints • Supervision • Newsletter
Attended Board Member Training	The executive director and executive secretary have attended the board member training.
<u>Financial</u>	
Source of Funds	Licensing fees and fines.
State Treasury	Yes, Special Revenue Fund 0409 .
Unused Funds	Retains unexpended funds. <i>Code of Alabama 1975</i> , Section 34-8A-6

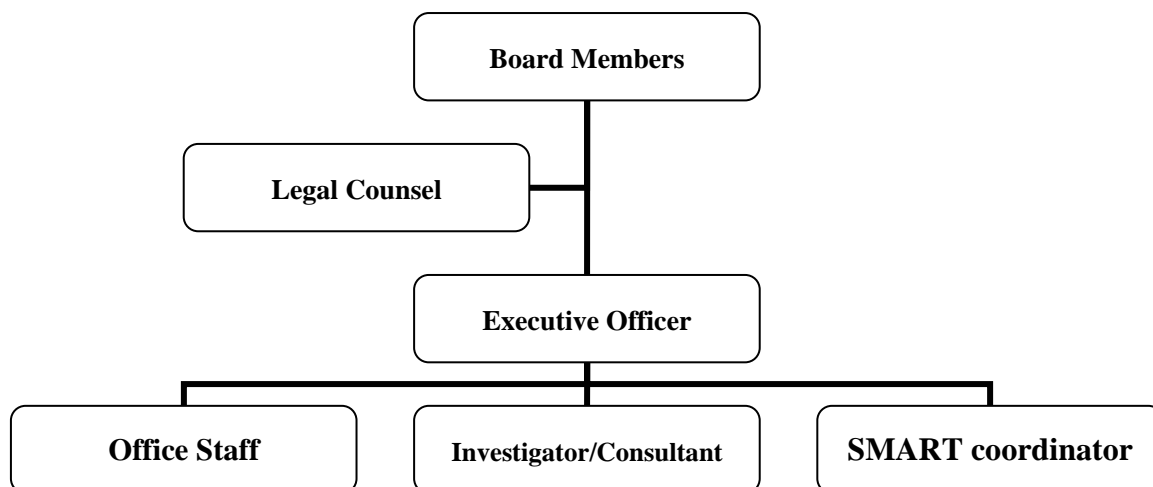
SIGNIFICANT ITEMS

No significant items.

STATUS OF PRIOR FINDINGS

No unresolved prior findings.

ORGANIZATION



PERSONNEL

The board employs six (6) persons, consisting of five part-time contract employees (executive officer, computer expert, investigator/consultant, SMART budget planning coordinator, and clerical assistant) and one unclassified merit system employee (executive secretary). The Attorney General's office provides legal services for the board.

Contract Employees	Period	Amount	Rate	Expenses
Executive Officer	7/1/07 – 6/30/09	\$148,888 (2 years)	\$5,733/month	Travel not to exceed \$5,648
Computer Consultant	7/1/06 – 6/30/07	\$3,600	\$25 an hour not to exceed 12 hours monthly	No expenses
Investigator/Consultant	2/1/07 – 1/31/08	\$24,800	\$45 an hour not to exceed 440 hours annually	Travel and per diem not to exceed \$5,000 annually

SMART Budget Planning Coordinator	3/1/07 – 2/28/08	\$10,600	\$25 an hour not to exceed 32 hour monthly	Travel and per diem not to exceed \$1,000 annually
Clerical Assistant	9/1/06 – 8/31/07	\$22,876.56	\$15.13/hr not to exceed 7 hours daily	No expenses

Schedule of Employees				
Merit System Classification	Number	Race	Gender	Part or Full time
Executive Officer (non-merit)	1	W	M	Part-time
Computer Consultant (non-merit)	1	W	M	Part-time
Investigator/ Consultant (non-merit)	1	W	M	Part-time
SMART budget planning coordinator (non-merit)	1	W	F	Part-time
Executive Assistant (merit system unclassified)	1	W	F	Full-time
Clerical assistant (non-merit)	1	W	F	Part-time

PERFORMANCE CHARACTERISTICS

Number of Licensees per Employee – 250 as of February 28, 2007

Number of Persons per Licensee in Alabama and Surrounding States			
	Population (Estimate) (*)	Number of Licensees	Persons Per Licensee
Alabama	4,599,030	1500(^)	3,066
Florida	18,089,888	7,352	2,461
Georgia	9,363,941	3,746(^)	2,500
Mississippi	2,910,540	909(^)	3,202
Tennessee	6,038,803	1,138(^)	5,307

(*) July 1, 2006 Census Bureau Population Estimates Report

(^) Does not include Associate Licensed Counselors (ALC)

Operating Disbursements per Licensee (2006 fiscal year) - \$186.38

Notification to Licensees of Board decisions to Amend Administrative Rules

The board complied with notification procedures prescribed in the Administrative Procedure Act, which includes publication of proposed rules in the Administrative Monthly, and public hearings on proposed rules. Licensees are not individually notified of proposed changes. However, proposed rules and changes are included when the board creates and publishes a newsletter for the licensees. The last newsletter was published April 2003.

Examination Results

The board examines professional counselor licensure applicants. The examination focuses on the applicant's knowledge and application of those areas deemed relevant to his or her specialty and those services he or she intends to offer to the public. Below are statistics provided by the board concerning the pass/fail information of the last fiscal year.

Examination Pass/Fail By Academic Institution October 1, 2005 through September 30, 2006				
<u>Academic Institution</u>	<u>Pass</u>	<u>% Pass</u>	<u>Fail</u>	<u>% Fail</u>
Alabama A & M	10	71%	4	29%
Alabama State	2	40%	3	60%
Argosy	2	100%	0	0%
Auburn University-Montgomery	1	100%	0	0%
Florida A & M	0	0%	2	100%
Jacksonville State University	7	27%	19	73%
Mississippi State University	0	0%	1	100%
Reform Theological Seminary	1	100%	0	0%
Seton Hall	1	100%	0	0%
South West Missouri State	1	100%	0	0%
State University of West Georgia	1	100%	0	0%
Syracuse University	1	100%	0	0%
Troy State- Dothan	1	33%	2	67%
Troy State- Montgomery	2	100%	0	0%
Troy State- Troy	1	100%	0	0%
University of Alabama at Birmingham	12	71%	5	29%
University of Alabama at Tuscaloosa	1	100%	0	0%
University of Mobile	4	100%	0	0%

University of Montevallo	1	100%	0	0%
University of North Alabama	1	100%	0	0%
University of South Alabama	4	67%	2	33%
University of West Alabama	0	0%	3	100%
West Virginia University	1	<u>100%</u>	0	<u>0%</u>
Overall Totals/Percentages	55	57%	41	43%

Complaints

Complaint Handling

Initial Documentation	Filing a complaint can be initiated by the board or by any person upon the filing of a complaint in writing with the board's executive director. The letter of complaint should contain the name and address of the complaining party and state in detail the activities that the party complained of is alleged to have engaged in, and presenting the evidence of when, where and how a violation occurred. The complaint must be signed. Anonymous complaints are not acted upon. (<u>Administrative Code, Section 255-X-8-.02</u>)
Informal Disciplinary Procedure	An investigative committee consisting of a board consultant, the executive officer, and one member of the board investigates the information or complaint to determine whether there is probable cause for disciplinary proceedings. The investigative committee may enter into informal settlements with the applicant, ALC, or LPC under investigation, provided the board ratifies the settlement. Upon completion of the investigation, the investigative committee shall determine whether probable cause exists for the board to issue a summons and complaint and initiate a formal disciplinary proceeding. If the investigative committee determines at this time that no probable cause exists, the proceedings will terminate at that point. (<u>Administrative Code, Section 255-X-8-.03(1)(a)(b)(c)(d)</u>).
Formal Hearings	In the event the investigative committee determines that probable cause exists for the filing of a summons and complaint, the board's attorney shall prepare the summons and complaint. The board may appoint some impartial person to act as a hearing officer at disciplinary hearings. In the event a hearing officer is appointed, the hearing officer shall assist the board in presiding at the disciplinary proceeding, and in ruling on all questions of evidence and procedure. (<u>Administrative Code Section 255-X-8-.03(2)(3)(4)</u>).

Resolution/Disposition	<p><i>Informal Procedures</i> - The board is authorized to issue written reprimands to licensees as an alternative to a formal hearing before the board. The board shall determine the procedures for a written reprimand that shall authorize the investigative committee and members of the board to deliberate and issue written reprimands. No less than two members of the board, one of whom must be a practitioner, along with the investigative committee shall participate in deliberations leading to a written reprimand. All other members of the board shall remain available for possible appeal. The board shall not publish the written reprimand, unless required by law. A copy of the reprimand will be entered into the permanent file of the licensee for a period of time determined by the investigative committee and the members of the board issuing the reprimand. <u>(Administrative Code 225-X-8-.06(1))</u></p> <p><i>Formal Procedures</i> - On the basis of any hearing or upon default of applicant, LPC, or ALC, the board will make a determination specifying its findings of fact, based solely on the evidence in the record and on matters officially noted in the record, and conclusions of law. The results of proceedings shall be mailed to the applicant, LPC, or ALC, and will take effect immediately on its promulgation unless the board in such order or judgment fixes a probationary period. The board may make public its orders and judgments in such manner and form as it deems proper, and for such periods as it may direct. The results of the board action will become final in thirty days following their entry unless appealed. <u>(Administrative Code, Section 255-X-8-.01(12-15))</u></p>
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Complaint Resolution

The board's administrative rules 255-X-8-.01 through 255-X-8-.06 provide the procedures for documentation, receipt, and investigation of complaints received by the board. Most complaints concern code of ethics violations by licensees, usually as a result of child custody disputes.

The board does not have jurisdiction over persons not currently licensed by the board.

If a complaint is directed at someone previously licensed by the board who is currently licensed in another state, the complaint is forwarded to the other state, and the complainant is informed of the action. Upon advice of legal counsel, unlicensed violators of the counseling licensing law are sent a cease and desist letter.

Responses received from questionnaires we sent to complainants suggest a weakness in the timeliness of complaint resolution. However, a review of 4 sampled complaint cases revealed that some of the cases are complex and convoluted, which increased the time required to conduct an adequate inquiry. The review of sampled cases also revealed that the board is properly notifying complainants and respondents upon the receipt and upon resolution of complaints.

Schedule of Complaint Resolution				
October 1, 2002 Through February 28, 2007				
Fiscal Year	Complaints Received	Resolved	Pending	Average Days to Resolution
2002-03	16	16	0	244
2003-04	24	24	0	180
2004-05	14	13	1	193
2005-06	17	8	9	166
2006-07*	5	4	1	32

* 1st five months only

Disposition of Resolved Complaints

65 complaints from 2002 through 2007 were resolved as follows:

# of Complaints	Resolution		# of Complaints	Resolution
30	No Cause		1	Allegations too old
5	No authorization from the complainant		1	Anonymous
5	No Jurisdiction		1	Complaint previously addressed (not re-investigating)
4	Complainant unwilling to testify		1	Complaint received from a third party
4	License revoked		1	Consent agreement with the licensee
3	Cease and desist order issued		1	Not a counseling complaint

# of Complaints	Resolution		# of Complaints	Resolution
3	No complaint form		1	Reprimand issued
3	Unable to contact complainant		1	Suspended license

SMART BUDGETING

Acts of Alabama, 2004-50 (HJR89) states, “That all state agencies and entities receiving legislative appropriations are requested to submit to the Joint Legislative Budget Committee budget proposals in performance based budget language and form. This request is applicable for proposals for the 2005-2006 fiscal year to be submitted to the 2005 Regular Session and for each succeeding fiscal year. The Director of Finance is requested to inform each public agency or entity of our desires concerning this matter.”

To comply with this request, the Director of Finance implemented a system of budgeting that requires each agency to report its performance, the system to be named SMART, an acronym for Specific, Measurable, Accountable, Responsive, Transparent.

As a part of the SMART Budgeting system, each agency is required to submit its goals and objectives to the Department of Finance - the goals to be stated as long-term, multi-year targets which are to be achieved through accomplishment of stated objectives, which are single-year targets. In order to report progress, the goals and objectives must necessarily be designed so that the agency can measure annual progress toward their achievement. The SMART Budgeting system includes an Operations Plan and a Quarterly Performance Report.

The performance report presents information on achievement of an agency’s annual objectives, and is the SMART Budgeting report that presents performance information. If an agency has not included at least one objective for each goal, performance relative to that goal will not be reported. For the 2006 fiscal year, each licensing/regulatory agency was required to have at least one goal and one or more objectives directly related to the goal. Additional annual objectives were allowed without corresponding goals. The board’s SMART Operations Plans for the 2006 and 2007 fiscal years and the SMART Quarterly Performance Report for the 2007 fiscal year are found in the appendices of this report.

Among agencies that were not accustomed to reporting performance, we found confusion as to how to design the goals and objectives and how to differentiate between goals and objectives. Routinely we found goals with no directly related objectives. Both goals and objectives were often too abstract to be measurable, and progress toward their achievement could not be meaningfully reported. The Department of Finance is aware of these deficiencies and is taking remedial steps.

The board is included in the state’s SMART Budgeting program. The board provided information in a timely manner to the SMART budgeting analyst, as required, and

completed the required forms. The board's goals and objectives related to performance are shown as follows, along with the examiner's comments.

2006 & 2007 GOALS	COMMENTS
1. To convene an investigative committee within 10 days of receipt of complaint (Same goal in 2007 operations plan)	There is no accompanying directly related objective in either year. Consequently, performance for this goal was not reported for 2006 and will not be reported for 2007.
2. To conclude investigations in a timely manner (180 days) (Same goal in 2007 operations plan.)	The goal is directly related to objective #2. Performance was reported for 2006 and can be reported for 2007.
3. To provide services to ensure protection to citizens who are vulnerable to ethical misconduct by mental health providers. (Shown in 2007 operations plan as "Protection to Alabama citizens")	The goal is too abstract and open ended for progress to be measurable. There is no directly related objective in either year. Consequently, performance was not reported for 2006 and will not be reported in 2007.
4. To strive for continuous improvement of services (Same goal in 2007 operations plan)	The goal is too abstract for progress to be measurable. There is no directly related objective for either year. Consequently, performance for this goal was not reported for 2006 and will not be reported for 2007.

2006 OBJECTIVES	REPORTED	COMMENTS
1. Increase [cost] [price] per application processed (Shown in 2007 operations plan as "cost per application").	239	There is no target cost or price named in the objective statement. Without a target cost or price, there is no basis from which to determine whether the objective has been met. It is not clear how an increased cost or price would indicate better performance. Wording is different on the 2006 Operations Plan [price] and the 2006 Performance Report [cost]. Performance is reported for 2006 but it is not clear what is being reported.

2. Reduce time to resolve complaints by 5% (180 days) (Same objective for 2007)	190	Performance was reported for 2006 and can be reported in 2007. However, it is not clear how a 5% reduction could remain at 180 days from year to year.
3. Reduce time to respond to new applicants by 10% (Not included in 2007 operations plan)	NOT REPORTED	The goal is measurable but has no benchmark from which to compute a 10% reduction. Performance data for this objective was not included in the 2006 Performance Report.

REGULATION IN CONJUNCTION WITH OTHER ENTITIES

There is no direct shared regulation of professional counselors; however, licensing and regulation of psychiatrists, psychologists, counselors, marriage and family therapists, and social workers occurs in Alabama, each by a separate state board. These professions all address in some way the mental health of persons.

The Executive Committee of the Alabama Counseling Association (ALCA) submits to the Governor the names of two qualified candidates for board vacancies. The association is a state branch of the 50,000 member American Counseling Association (ACA), which serves as a network of professional counselors in Alabama. The ALCA is presented as devoted to the professional development and maintenance of high standards for those involved in the counseling profession. ALCA currently reports 2000 professional members. Membership is open to all active ACA members and to all persons professionally engaged in guidance, counseling, or personnel activities in educational, vocational, religious, rehabilitation, employment agencies, or other similar agencies. Student and retired memberships are also offered.

FINANCIAL INFORMATION

The board obtains operating funds from licensure and examination fees, which are deposited to the credit of the board in Special Revenue Fund 0409 in the State Treasury.

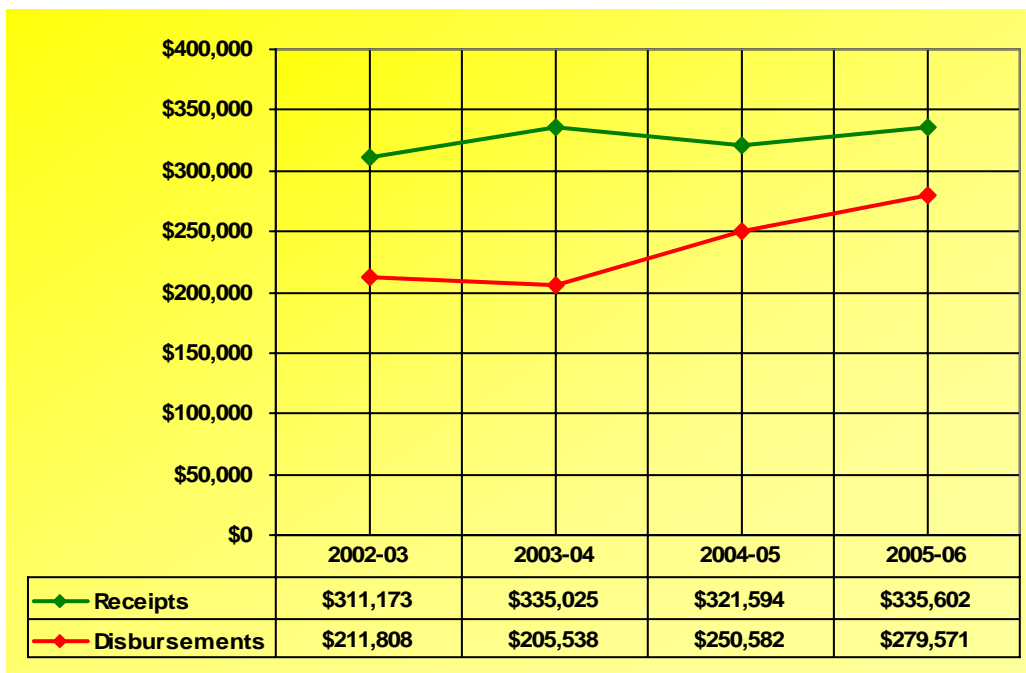
Schedule of Fees

<u>Fee</u>	<u>Code of Alabama, 1975</u>	<u>Amount</u>
Application Fee	Section 34-8A-6 Rule 255-X-1-.08	\$200.00
Licensed Professional Counselor (LPC)	Section 34-8A-7 Rule 255-X-1-.08	\$300.00
Associate Licensed Counselor (ALC)	Section 34-8A-8 Rule 255-X-1-.08	\$300.00
Renewal	Section 34-8A-14 Rule 255-X-1-.08	\$300.00
Application Package Fee	Section 34-8A-6 Rule 255-X-1-.08	\$ 25.00
Supervising Counselor Approval Processing Fee	Section 34-8A-6 Rule 255-X-1-.08	\$150.00
Examination Fee	Section 34-8A-6 Rule 255-X-1-.08	\$120.00
Duplicate or Replacement License	Section 34-8A-6 Rule 255-X-1-.08	\$ 15.00
Issuance of Subpoena	Section 34-8A-6 Rule 255-X-1-.08	\$ 25.00
Provisional License	Section 34-8A-6 Rule 255-X-1-.08	\$150.00
License Reactivation	Section 34-8A-6 Rule 255-X-1-.08	\$50.00/year not to exceed \$250.00
Written License Verification	Section 34-8A-6 Rule 255-X-1-.08	\$ 20.00
Mailing Labels	Section 34-8A-6 Rule 255-X-1-.08	\$ 25.00

Schedule of Receipts, Disbursements, and Balances

	2005-06	2004-05	2003-04	2002-03
<u>Receipts</u>				
Licensing Fees	\$ 335,601.72	\$ 321,594.25	\$ 335,025.00	\$ 311,173.41
<u>Disbursements</u>				
Personnel Costs	168,461.78	141,440.31	130,154.44	127,894.23
Employee Benefits	24,501.27	21,493.44	18,550.27	17,744.63
Travel-in-State	7,991.84	5,697.12	5,805.81	7,648.81
Travel-out-of-State	9,637.52	10,248.61	7,342.13	7,024.59
Repairs & Maintenance	-	1,838.00	-	390.00
Rentals and Leases	30,599.12	20,138.04	16,612.00	13,595.80
Utilities and Communications	11,049.29	9,851.05	10,771.59	10,475.54
Professional Services	10,829.71	15,086.41	4,830.17	15,005.65
Supplies, Materials, and Operating Costs	16,500.94	16,533.66	11,471.59	12,029.04
Equipment Purchases	-	8,254.92	-	
Total	279,571.47	250,581.56	205,538.00	211,808.29
Excess of Receipts over Disbursements	56,030.25	71,012.69	129,487.00	99,365.12
Cash Balances at Beginning of Year	580,468.16	509,455.47	379,968.47	280,603.35
Cash Balances at End of Year	636,498.41	580,468.16	509,455.47	379,968.47
Reserved for Unpaid Obligations	5,520.61	16,122.44	8,314.44	2,801.00
Unreserved Cash Balances at end of Year	\$ 630,977.80	\$ 564,345.72	\$ 501,141.03	\$ 377,167.47

Operating Receipts vs Operating Disbursements (Chart)



QUESTIONNAIRES

Board Member Questionnaire

We surveyed seven board members. Six responded.

- 1. What are the most significant issues currently facing the Board of Examiners in Counseling and how is the Board of Examiners in Counseling addressing these issues?**

Respondent 1: "Reviewing applicants for licensure in AL; ensuring that counseling services are effective in meeting the needs of Alabama's citizens; ensuring that Alabama's counselors abide by AL rules & regulations provide quality, ethical, counseling services to all citizens."

Respondent 2: "How and what we should do to address on-line counseling? How can we emphasize the importance of the code of ethics for counselors?"

Respondent 3: "Increased volume of complaints from public regarding Alabama LPC's. Board members serve on investigative committees."

Respondent 4: "Ethical behaviors of counselors- violations of ethics requiring CEU's in ethics w/ each license renewal."

Respondent 5: "Timely board appointments by Governor's office."

Respondent 6: "I was appointed to the Alabama Board of Examiners in October 2006. I have attended one meeting that included a brief orientation on January 19, 2007. I do not feel I can accurately respond to this questionnaire at this point in my service."

- 2. What changes to the Board of Examiners in Counseling laws are needed?**

Respondent 1: "Refer to the board office for changes currently being made."

Respondent 2: "I am new to the board and I do not feel I have the experience to answer this question at this time."

Respondent 3: "The last legislative session passed needed laws."

Respondent 4: "None at this time. Revisions were just done."

Respondent 5: "Laws appear to be adequate at present time."

Respondent 6: No comment.

- 3. Is the Board of Examiners in Counseling adequately funded?**

3 Yes _____ No 2 Unknown 1 No Opinion

- 4. Is the Board of Examiners in Counseling is adequately staffed?**

3 Yes _____ No 2 Unknown 1 No Opinion

Respondent 1: "It appears that the current staff often has a "full plate" on a daily basis, and works hard to meet each day's obligations."

5. What is the purpose of your fiscal year end balance of unobligated funds?

Respondent 1: “I am not clear what the question means. Would need clarification to respond.”

Respondent 2: “Again, I am new to the board and I can not answer this question at this time.”

Respondent 3: “The ABEC has a tight budget with little unobligated funds.”

Respondent 4: “Not sure, but believe it is to help fund litigation and administration that may arise in the subsequent year.”

Respondent 5: “Rollover reserve for unexpected expenses due to litigation and other emergency fiscal needs.”

Respondent 6: “Can’t accurately respond to this.”

Licensee Questionnaire

ASSOCIATE LICENSED COUNSELOR QUESTIONNAIRE

We surveyed one hundred licensees. Of those, thirty-one responded.

1. Do you think regulation of your profession by the Board of Examiners in Counseling is necessary to protect public welfare?

30 Yes _____ No 1 Unknown _____ No Opinion

2. Do you think any of the Board of Examiners in Counseling laws, rules, and policies are an unnecessary restriction on the practice of your profession?

5 Yes 22 No 3 Unknown 1 No Opinion

Respondent 23: "Penalizing ALC's for the omissions of supervisors. Penalties for disruptions in supervision beyond the control of the ALC."

3. Do you think any of the Board of Examiners in Counseling requirements are irrelevant to the competent practice of your profession?

4 Yes 23 No 3 Unknown 1 No Opinion

Respondent 5: "I believe that having to be supervised 3000 hours after completing the educational requirements which requires 700 hours of (unintelligible) hours is somewhat overwhelming. I believe that being supervised is necessary but too lengthy time is questionable."

Respondent 29: "Not irrelevant but extreme."

4. Are you adequately informed by the Board of Examiners in Counseling of changes to and interpretations of Board of Examiners in Counseling positions, policies, rules and laws?

24 Yes 5 No 2 Unknown _____ No Opinion

Respondent 5: "Not as of yet."

Respondent 11: "I do receive occasional letters saying there are amendments but it is almost impossible to determine what if any practical changes those amendments make to my situation. There is also a lot of general misinformation and misinterpretation that circulates especially regarding time limits for obtaining LPC status."

Respondent 30: "They do an excellent job informing us."

5. Has the Board of Examiners in Counseling performed your licensing and renewal in a timely manner?

23 Yes 2 No 6 No Opinion

Respondent 5: "I am currently working toward my LPC."

Respondent 26: "It took an inordinate length of time to accept and approve ALC application."

6. Do you consider mandatory continuing education necessary for competent practice?

31 Yes _____ No _____ Unknown _____ No Opinion

Respondent 29: "I think the Board requires too many hours though."

7. Has the Board of Examiners in Counseling approved sufficient providers of continuing education to ensure your reasonable access to necessary continuing education hours?

22 Yes 2 No 5 Unknown 2 No Opinion

Respondent 4: "Have found them on my own."

Respondent 23: "Rejects anything not pre approved, even if it is a program from a regionally accredited university. Impossible to attend on short notice."

Respondent 29: "But it is very limiting to the profession. The Board seems to be very subjective when approving other providers besides NBCC. No set standards."

8. What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the Board of Examiners in Counseling doing to address the issue(s)?

Respondent 1: "Multicultural issues, mainly Spanish speaking clients. The board has done nothing to relieve the need of Hispanic counselors."

Respondent 2: "Too many counselors not mentally healthy. I don't know what the Board is doing about this."

Respondent 5: "Mental Illness in adolescents- I am not sure what the Board of Examiners are doing. The limited number of supervisors for ALC candidates."

Respondent 9: "There is very limited services for low income and under-privileged clients. I work in this arena and it is so hard to find help for these people. I don't see any major agencies trying to help combat this issue."

Respondent 10: "There is a huge gap in services to low-income/middle income individuals with/without insurance. I'm not aware of anything that ABEC is doing to address this issue."

Respondent 11: “Third party payment- Medicaid, Tricare, ect (not just an AL issue) I have no idea what the Board is or is not doing about this or any other issue.

Respondent 12: “Coverage for counseling by insurance companies. No. of eligible counseling supervisors- Board restricts supervisors to 5 ALC’s. This does not make sense as No. of supervisee’s is unrelated to quality of supervisors. Restricting supervisors to only supervising 5 ALC’s only provides a barrier to entry to counselors coming into field. Board should insure qualifications but should not pose a barrier to entry to field. Please eliminate max number of supervisees a counseling supervisor can have.

Respondent 13: “Too many direct and indirect supervision hours. 3000 is too many!”

Respondent 14: “Seeking proper funding through third-party payers. Advocacy.”

Respondent 15: “Acceptance by insurance carriers of LPC’s”

Respondent 16: “The inability ALC’s have of to bill insurances other than MLD kids & not being able to accept adult MLD.”

Respondent 17: “Not enough supervisors for ALC’s- no idea what the board is doing.”

Respondent 19: “Managed care is limiting the availability of services to consumers. A license in social work is more effective and applical to a broader range of settings than a counseling license to a broader range of settings than a counseling license. The work for in managed care settings is narrow for those of us that wish to pursue careers in a health related setting.”

Respondent 20: “Uniting all specialties in understanding that being identified as counselor is primary for professional recognition and respect.”

Respondent 21: “Unlicensed “proclaimed” counselors. Through licensure I feel the board is regulating this.”

Respondent 22: “The difference shown to counselors and social workers by M’care and certain insurance companies. I know there are lobbyist working on this.”

Respondent 23: “Insurance providers (BC/BS) have steadily eroded the reimbursement of counselors. They have made it really impossible to access payment. It is fairly obvious that this act is purposeful.”

Respondent 25: “Blue Cross Ins. Not approving payments to LPC’s.”

Respondent 26: “Accepting ALC candidates with older coursework, but who have significant current on-the-job counseling experience. I’m not sure they consider it a problem as well as extensive continuing education.”

Respondent 28: “Cross-cultural counseling.”

Respondent 29: “Being approved by insurance companies;?”

Respondent 30: “None at this time. Board doing a great job sending stuff off.”

9. Do you think the Board of Examiners in Counseling and its staff are satisfactorily performing their duties?

21 Yes 3 No 7 Unknown _____No Opinion

Respondent 1: “Board members need to be more accessible. Down from their pedestals.”

Respondent 9: “There have been several occasions where I have called or visited AEBEC and not been satisfied. The issue seems to be with one person only a receptionist- XXXXXXXX, who has a negative attitude. It is unpleasant to deal with her much of the time.

Respondent 10: “My encounters with most of the staff have been pleasant, efficient, and professional. However, my interactions with XXXXXXXX have been unpleasant as her customer service skills are rude.”

Respondent 11: “They could be a bit more understanding of how confusing the process is even after reading everything on the website but overall they are doing their jobs.”

Respondent 19: “Sometimes depends on what you need.”

Respondent 23: “Good people- XXXXXXXXXXXXXXXXXXXX Too much restriction on them.”

Respondent 29: “But they need to work on being more polite and helpful- they are often rude.”

Respondent 31: “Rigid, unwilling to understand different work environments which affect accumulation of required hours, contrary to basic principles of counseling of working with another to solve a problem.”

10. Has any member of the Board of Examiners in Counseling or its staff asked for money (other than normal fees), services, or any other thing of value in return for performing a Board of Examiners in Counseling service for you?

1 Yes

30 No

Licensed Professional Counselor Questionnaire

We surveyed one hundred licensees. Of those, forty seven responded.

- 1. Do you think regulation of your profession by the Board of Examiners in Counseling is necessary to protect public welfare?**

45 Yes 2 No _____ Unknown _____ No Opinion

Respondent 21: "I am in absolute agreement, having supervised licensed and unlicensed counselors from the 1970s to present."

- 2. Do you think any of the Board of Examiners in Counseling laws, rules, and policies are an unnecessary restriction on the practice of your profession?**

4 Yes 36 No 5 Unknown 2 No Opinion

Respondent 21: "No. As I have had my doctorate since 1975 I would prefer 2 levels of certification (masters/doctorate)."

Respondent 37: "License fee too high."

- 3. Do you think any of the Board of Examiners in Counseling requirements are irrelevant to the competent practice of your profession?**

7 Yes 30 No 9 Unknown 1 No Opinion

Respondent 19: "They used to let you get one year of experience in grad school. This caused me to have to pay a supervisor an extra year."

- 4. Are you adequately informed by the Board of Examiners in Counseling of changes to and interpretations of Board of Examiners in Counseling positions, policies, rules and laws?**

36 Yes 8 No 2 Unknown 1 No Opinion

Respondent 5: "And NO, typically one notice by letter."

Respondent 8: "So many changes- unclear where you stand. For instance now- 40 hours every 2 year with 4 or is it 6 hours must be in ethics CEUs?"

Respondent 21: "I also monitor the LPC website for ALC and LPC applicants seeking employment."

Respondent 37: "Charges/Revisions too difficult/complicated."

Respondent 42: "We get something in the mail with a minimum explanation."

5. Has the Board of Examiners in Counseling performed your licensing and renewal in a timely manner?

46 Yes 1 No _____ No Opinion

Respondent 8: “One time “No”.

Respondent 19: “Too timely.”

Respondent 21: “No problems. Expeditious.”

6. Do you consider mandatory continuing education necessary for competent practice?

40 Yes 7 No _____ Unknown _____ No Opinion

Respondent 21: “At present it is 40 hrs. This should be an absolute minimum. I normally do 60 to 80.”

Respondent 42: “We do not make that much money to begin with, then we have to pay for these sessions, plus the extremely high price for the license itself—it’s too much!”

7. Has the Board of Examiners in Counseling approved sufficient providers of continuing education to ensure your reasonable access to necessary continuing education hours?

42 Yes 4 No 1 Unknown _____ No Opinion

Respondent 21: “More than enough. Opportunities abound. Received one in the mail for Montgomery, AL this morning.”

Respondent 32: “would love to see more training opportunities in the Dothan/South Al. Region.”

Respondent 42: “But it’s expensive!!”

8. What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the Board of Examiners in Counseling doing to address the issue(s)?

Respondent 1: “Maintaining high ethical standards within our profession. The board has set standards for all LPCs to follow and attempts to address problems that might arise with individuals failing to adhere to these standards.”

Respondent 2: “Ethical Issues. Ongoing Monitoring.”

Respondent 4: “Managed care organizations are dictating length of treatment decisions. Counselors are forced to charge for more than necessary due to Ins. Co. reimbursement policies.”

Respondent 6: “Better parity among third-party reimbursement groups (insurance) for services rendered. (ABEC=Limited in what they can/should do).”

Respondent 7: “LPC’s cannot be covered by Medicare or Blue Cross-Blue Shield. They need to help get coverage for LPC’s.”

Respondent 8: “Helping LPC’s gain professional acceptance with payment providers: Medicare, Blue Cross-Blue Shield and others. Where does the board help promote our profession and cause?”

Respondent 9: “Maintaining high standards and quality in requirements and monitoring that. The Board reviews and modifies standards. It informs us and consistently monitors the licensing process.”

Respondent 11: “Communicating with LPC’s. We do not know what they are doing regarding fulfilling their primary duty of protecting the public against unscrupulous counselors.”

Respondent 12: “Getting BCBS payment for LPC’s and getting TriCARE to pay without so much grief and red tape. Also, controlling over abundance of (illegible) health care paperwork. Little I feel is being done specifically with BCBS.”

Respondent 14: “Third party reimbursement; this is the professional associations responsibility not the board of examiners.”

Respondent 15: “I would like the board to lobby to have Medicare provide funds for licensed professional counselors. Including major insurance co. BC/BS- Phip etc.”

Respondent 16: “1. I think passage of the ACA Laws to allow LPC’s to see m’care patients, just like other professions is impairitive. 2. LPC’s need a stronger voice in state and federal government.”

Respondent 17: “Unsure about issues- so have no knowledge of whether they are being addressed.”

Respondent 19: “They are letting people with other social service degrees other than counseling psychology to apply for licensure. I believe this is a mistake.”

Respondent 20: “Low reimbursement rates from insurance companies.”

Respondent 21: “I see no issues of significance. This is a pro-active board that has continuously monitored the needs of the profession.”

Respondent 22: “Being recognized by insurance for reimbursement of services provided; they consistently work to attain this goal for licensed counselors.”

Respondent 23: “So many clients seeking disability. They study and are coached to what is necessary in behavior and words.”

Respondent 24: “Getting BC/BS to cover our services.”

Respondent 25: “Ensuring that licensees adhere to code of ethics and maintain excellent professional standards.”

Respondent 26: “Continuing ED to keep up with a rapidly changing world (client base).”

Respondent 27: “Third party payments from insurance providers and the ability to practice alongside psychologists and psychiatrists without them attempting to limit the service we can provide!”

Respondent 29: “Individuals who aren’t credentialed are providing services for which they aren’t qualified to perform. The Board of Examiners in Counseling is actively involved in preventing such individuals from providing services for which they are unqualified.”

Respondent 31: “licensure transportability, reciprocity from state to state.”

Respondent 35: “Limited number of professionals in field to adequately address individual issues impacting consumers.”

Respondent 38: “Removing the referral letter/supervision with Tricare.”

Respondent 40: “On line counseling I don’t know.”

Respondent 42: “We are not yet MEDICARE PROVIDERS- This limits our ability to work in certain areas; we get less money than licensed social workers for this reason.”

Respondent 43: “Quality training and having sufficient supervisors to assist new counselors and guide them toward great counseling practices.”

Respondent 44: “Parity for counselors in terms of third party reimbursement. I don’t know that the Board is addressing this.”

Respondent 45: “The epidemic of autism and lack of services for these children- I’m not sure what the board is doing.”

Respondent 47: Third party reimbursement (i.e. Blue Cross/Blue Shield).”

9. Do you think the Board of Examiners in Counseling and its staff are satisfactorily performing their duties?

33 Yes

3 No

10 Unknown

1 No Opinion

Respondent 8: “The board will never change or be different until leadership changes are made with Executive Secretary.”

Respondent 21: “What few questions I have ever had since receiving my license in 1986 have been quickly answered to my satisfaction.”

Respondent 37: “Customer service has improved; that was needed.”

Respondent 40: “When an LPC calls it would be better to talk with someone as qualified or more instead of business office person.”

Respondent 42: “They are curt, unfriendly and treat us like the enemy when we call them with questions.”

10. Has any member of the Board of Examiners in Counseling or its staff asked for money (other than normal fees), services, or any other thing of value in return for performing a Board of Examiners in Counseling service for you?

_____ Yes

47 No

Additional Responses were received as follows:

Respondent 4: “ABEC is doing a good job.”

Respondent 8: “1. Licensure annual cost is ridiculous. Where does that money go? 2. The licensure process has become almost impossible with the current supervision model that gives some the opportunity to make money by supervising- approving counselors. 3. Our CEU issue is much harder than the LCSW’s and psychologists. Other professions gain CEU’s easily, we must pre-approve, be MBCC approved etc... 4. The board appears at times to be a self perpetuating group exclusive to itself. You need to be in politics or connected to find your way on the board.”

Respondent 19: “Their renewal fee is too expensive for most of us. With all the \$ going to renewal, CEUs, and practice overhead, it is a big burden on us.”

Complainant Questionnaire

We surveyed fifty-five complainants. Of those, twenty three responded.

1. Was your complaint filed with the Board of Examiners in Counseling by:

19 Mail _____ Phone 1 Fax 2 Other 1 Unknown

Respondents 5, 15, 18 and 20: Also by phone.

Respondent 6: Also by fax.

Respondents 13 and 23: “Hand-Delivered.”

Respondent 22: “First by face to face visit with person at the office then by mail.”

2. Was receipt of your complaint acknowledged?

23 Yes _____ No _____ Unknown

Respondent 22: Also No.

If yes, approximately how long after you filed your complaint were you contacted by the Board of Examiners in Counseling?

2 Immediately 2 Within 10 days 1 Within 20 days

8 Within 30 days 8 More than 30 days 2 Unknown

Respondent 8: “+ 4 months- when I called to check- he had lost my complaint.”

3. Was the employee who responded to your complaint knowledgeable and courteous?

2 Knowledgeable 5 Courteous 6 Neither 8 Both 2 See Comment

Respondent 10: “They insisted I come to Birmingham (from Anniston) to meet with them or they would not pursue the complaint. I offered to come on a Fri or do a telephone conference and they refused both. My complaint involved someone and his supervisor falsely advertising as a “licensed counselor” on business cards when she was only an associate. She and her supervisor claimed that the LPC board told them this was legal. I do not believe it is or was. I believe the board tried to make it difficult for me to avoid dealing with the charge. So NO, I was very dissatisfied with the process. Further, the supervisor contacted me directly to accuse me of having a personal vendetta. My concern is was and is, only the licensing laws. Their purpose is to protect the public.”

Respondent 16: “The response was in the form of a letter, yes, I was pleased with the content.”

4. Did the Board of Examiners in Counseling communicate the results of investigating your complaint to you?

12 Yes 9No 1Unknown 1 No Comment

Respondent 7: “No decision yet.”

Respondent 8: “But only to deny my complaint without rationale.”

Respondent 16: “The results of the investigation were communicated in a very inconsiderate way.”

5. Do you think the Board of Examiners in Counseling did everything it could to resolve your complaint?

3Yes 17 No 3Unknown

Respondent 13: “Unaware of results or non-action taken by board.”

Respondent 16: “The complaint was also grounds for a legal law suit...which was settled out of court. I am currently awaiting Board action since lawsuit is over and they can move forward.”

6. Were you satisfied with your dealings with the Board of Examiners in Counseling?

3Yes 17 No 3Unknown

Respondent 5: “I think something should have been done about what happened because she put my family through a rough time with what she did but all did nothing.”

Respondent 6: “I never heard the results of this inquire, but I would like to.”

Respondent 8: “Mr. XXXXXXXXXXXX is a disgrace. Attached is my completed questionnaire reflecting the lackluster response I received from Mr. XXXXXXXX XXX and his assistant Ms. XXXXXXXX at the Alabama Board of Licensed Professional Counselors (LPC). I have levied two complaints against the same LPC and both were essentially ignored. On the second complaint, when I had received no response and followed up by phone for a status, the reply was unprofessional. First they couldn't locate my complaint and then when responding, appeared to simply deny it entirely with no rationale. On both occasions the response from his office has been shamefully lacking and clearly little to no accountability exists.”

Respondent 11: “Still waiting for resolution.”

Respondent 15: “They protect the counselors it was a joke I would like to come testify at your legislature meeting.”

Respondent 16: “ABSOLUTELY NOT.”

Respondent 22: “I made a legitimate complaint. After which I was notified that the claim was not going to be acted on. I was never contacted to give additional information. No details as to why the decision was made were given to me. I do not

believe that any investigation took place. Without an investigation, no real conclusion of any kind could be reached.

Professionally, it would have been good if I had some idea that some sort of an investigation took place if any. Personally, I think that the paperwork sat on someone's desk for a while and then a rejection letter was just sent."

Respondent 23: "From the date of the complaint until the hearing was well over a year (nearly two years)."

APPENDICES

Smart Budgeting Reports

State of Alabama EBO Form No. 4b		AGENCY NAME: <u>AL Board of Examiners in Counseling</u> FY 2006 SMART OPERATIONS PLAN		Agency No. <u>343</u> Page <u>1</u> of <u>1</u>	
		ACTUAL FY04	BUDGET FY05	BUDGET FY06	
MISSION	Our primary mission is to provide superior protection to the citizens of Alabama relating to mental health services.				
VISION (Optional)					
VALUES (Optional)					
CRITICAL ISSUES (Optional) Internal External					
PROGRAM					
ACTIVITY					
MISSION					
	Professional & Occupational Licensing and Regulation (\$ in Thousands)	211,414	294,200	372,100	
	Licensing and Regulation of Counselors (\$ in _____)				
GOAL(S)	1. To convene an investigative committee within 10 days of receipt of complaint. 2. To conclude investigations in a timely manner (180 days). 3. To provide services to ensure protection to citizens who are vulnerable to ethical misconduct by mental health providers. 4. To strive for continuous improvement of services.				
WORKLOAD	Number of applications continue at same rate.	350	350	350	
	Number of LPCs and ALCs will increase.	1,500	1,500	1,650	
	Number of investigations.	10	15	25	
CRITICAL ISSUES Internal External	Retention of trained office staff & support staff. Add part-time technology consultant.				
	Improper appointment schedule of Board members.				
OBJECTIVES Spending	Maintain operating costs below budget. (\$ in Thousands)	211,414	294,200	372,100	
	(\$ in _____)				
Staffing	Increase staff FTE to 2.95. (FTE)	2.70	2.70	2.95	
Efficiency	Increase price per application processed.	139	196	205	
Quality	Reduce time to resolve complaints by 5%. Reduce time to respond to new applicants by 10%.				
STRATEGIES	Present problem concerning board member appointment schedule to Governor's Office. Partner with Attorney General's office to streamline hearing process. Stay current with national standards for qualifications and professional practice.				

Smart Quarterly Performance Report Fiscal Year: 2006											
Agency: 343 Counseling, Alabama Board of Examiners in											
Org:											
Program: 653 PRO AND OCCU LICENSING AND REG											
Activity: 0476 LIC & REG OF COUNSELORS											
Performance Measures		First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual	
Workload/Cost Factor	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
WC1: Applications	0	87	100	87	116	87	105	89	102	350	423
Spending	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
SP1: Spend less than budget	2007 Budget	85,176	68,424	87,825	68,911	88,025	78,065	87,025	76,148	348,051	291,548
SP2: Carry over excess budget into FY '07	Excess Budget	0	16,752	0	0	0	0	24,049	0	24,049	56,503

Staffing	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
ST1: Increase Staff	0	2.95	2.68	2.95	2.95	2.95	2.95	2.95	2.95	2.95	2.88
Efficiency	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
EF1: Cost per application	0	205	252	205	224	205	228	205	252	205	239
Quality	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
QU1: Reduce time to resolve complaints by 5% (180 days)	0	171	210	171	190	171	180	171	180	171	190

2007 SMART Operations Plan

Agency/ Org	343 - Counseling, Alabama Board of Examiners in
Organization	-
Program	653 - PRO AND OCCU LICENSING AND REG
Activity	-

Mission	Provide protection to citizens relating to mental health counseling services
Vision	Treat every licensee and citizen professionally and with compassion
Values	We value worth, dignity and rights of clients, providers and staff

Goals
G1: Convene investigation within 10 days (GP-5)
G2: Conclude investigation within 180 days (GP-5)
G3: Protection to Alabama citizens (GP-4)
G4: Continuous improvement of services (GP-4)

Critical Issues
Internal ICI1: Decrease time to conclude investigations (G2)

External ECI1: Governor's support with appointment schedule (G4)

Strategies
1). Meet with Governor's legal staff (G4)
2). Decrease time to conclude investigations (G2)

2007 SMART Operations Plan

Workloads								Performance Indicator
Number applications for Exam								350
FY 07 Projected: 290				FY 07 Target: 290				
FY07 Quarterly Projections:	1 st Qtr:	290	2nd Qtr:	290	3 rd Qtr:	290	4 th Qtr:	290
Complaints/Investigations								25
FY 07 Projected: 45				FY 07 Target: 45				
FY07 Quarterly Projections:	1 st Qtr:	45	2nd Qtr:	45	3 rd Qtr:	45	4 th Qtr:	45
Responses to inquiries								15
FY 07 Projected: 25				FY 07 Target: 25				
FY07 Quarterly Projections:	1 st Qtr:	25	2nd Qtr:	25	3 rd Qtr:	25	4 th Qtr:	25
Number of phone inquiries								3600
FY 07 Projected: 3,600				FY 07 Target: 3,600				
FY07 Quarterly Projections:	1 st Qtr:	3600	2nd Qtr:	3600	3 rd Qtr:	3600	4 th Qtr:	3600
100% of Renewals Annually								800
FY 07 Projected: 900				FY 07 Target: 900				
FY07 Quarterly Projections:	1 st Qtr:	900	2nd Qtr:	900	3 rd Qtr:	900	4 th Qtr:	900

Objectives								Performance Indicator
Spending	Maintain budget @ 2006 level							Spending
FY 07 Projected: 372,100				FY 07 Target: 372,100				
FY07 Quarterly Projections:	1 st Qtr:	90276	2nd Qtr:	98774	3 rd Qtr:	90276	4 th Qtr:	92774
Staffing	Maintain staff level established 7-1-06							FTE
FY 07 Projected: 2.8				FY 07 Target: 2.8				
FY07 Quarterly Projections:	1 st Qtr:	2.8	2nd Qtr:	2.8	3 rd Qtr:	2.8	4 th Qtr:	2.8
Efficiency	Cost per application							Cost per application
FY 07 Projected: 230				FY 07 Target: 230				
FY07 Quarterly Projections:	1 st Qtr:	230	2nd Qtr:	230	3 rd Qtr:	230	4 th Qtr:	230
Quality	Reduce time to resolve complaints by 5%							Time
FY 07 Projected: 170				FY 07 Target: 170				
FY07 Quarterly Projections:	1 st Qtr:	170	2nd Qtr:	170	3 rd Qtr:	170	4 th Qtr:	170

2007 SMART Operations Plan

Source of Funds			
Fund Code	Fund Name	Requested FY 07	Budgeted FY 07
0409	Alabama Board of Examiners in Counseling	\$372,100	\$372,100
Total of all Funds Listed Above:		\$372,100	\$372,100

Statutes

CHAPTER 8A. COUNSELORS.

§ 34-8A-1. Board of Examiners in Counseling created; composition; powers and duties.

There is hereby created a board to be known as the Alabama Board of Examiners in Counseling composed of seven members, appointed by the Governor of this state within 60 days after July 18, 1979, in the manner and for the term of office as hereinafter provided. Said board shall perform such duties and have such powers as this chapter prescribes and confers upon it. (Acts 1979, No. 79-423, p. 649, § 1.)

§ 34-8A-2. Definitions.

For the purposes of this chapter, unless the context requires otherwise, the following words and phrases shall have the respective meanings ascribed by this section:

(1) Associate licensed counselor. Any person that has been licensed by the board to offer counseling services as defined in this section while under the supervision of a board approved supervisor.

(2) Board. The Alabama Board of Examiners in Counseling.

(3) Counseling services. Those acts and behaviors coming within the private practice of counseling.

(4) Licensed professional counselor. Any person who represents to the public by any title or description of services incorporating the words "licensed professional counselor" or "licensed counselor"; and who offers to render professional counseling services in private practice to individuals, groups, organizations, corporations, institutions, government agencies, or the general public in settings of individual or group practice for a fee, salary, or other compensation, implying licensure and training, experience, or expertise in counseling, and who holds a current, valid license to engage in the private practice of counseling, with the exception of those practitioners listed in Section 34-8A-3.

(5) Private practice of counseling. Rendering or offering to render to individuals, groups, organizations, or the general public counseling services, in settings of individual or group practice, for a fee, salary, or other compensation, involving the application of principles, methods, or procedures of the counseling profession which include, but are not restricted to:

a. Counseling. To render evaluation and therapy that includes, but is not limited to, providing individual counseling, family counseling, marital counseling, group therapy, school counseling, play therapy, rehabilitation counseling, art therapy, human growth and development counseling, couples counseling, chemical abuse or dependency counseling, career counseling, and vocational disability counseling. The use of specific methods, techniques, or modalities within the practice of a licensed professional counselor is restricted to counselors appropriately trained in the use of these methods, techniques, or modalities. A

licensed professional counselor or associate licensed counselor shall not attempt to diagnose, prescribe for, treat, or advise a client with reference to problems or complaints falling outside the boundaries of counseling services.

b. Appraisal activities. Selecting, administering, scoring, and interpreting instruments designed to assess an individual's aptitudes, attitudes, abilities, achievements, interests, and personal characteristics, but shall not include the use of projective techniques in the assessment of personality.

c. Counseling, guidance, and personnel consulting. Interpreting or reporting upon scientific fact or theory in counseling, guidance, and personnel services to provide assistance in solving some current or potential problems of individuals, groups, or organizations.

d. Referral activities. The evaluating of data to identify problems and to determine advisability of referral to other specialists.

e. Research activities. The designing, conducting, and interpreting of research with human subjects.

(6) Provisional license. A one-year, temporary licensure status equal to that of a licensed professional counselor or associate licensed counselor with specified stipulations for establishing substantial equivalency according to subdivision (4) of Section 34-8A-7.

(Acts 1979, No. 79-423, p. 649, § 2; Act 2000-810, p. 1925, § 1; Act 2006-566, § 1.)

§ 34-8A-3. Construction and application of chapter.

(a) Nothing in this chapter shall be construed to apply to any of the following:

(1) The activities, services, and use of an official title on the part of a person employed as a counselor by any federal, state, county, or municipal agency; public or private educational institution; medical personnel in a clinic or hospital that is certified by the Alabama Department of Public Health or any successor to such department or that is accredited by the Joint Commission on Accreditation of Health Care Organizations or any successor to such commission; law practice; or licensed private employment agencies, provided such persons are performing counseling or counseling-related activities within the scope of their employment.

(2) The activities and services of a student, intern, or trainee in counseling pursuing a course of study in counseling in a regionally accredited institution of higher learning or training institution, if these activities and services constitute a part of the supervised course of study, provided that such person be designated a counselor intern.

(3) The activities and services of a nonresident person rendered not more than 30 days during any year, provided such person is duly authorized to perform such activities and services under the laws of the state or county of his or her residence.

(4) The activities and services of qualified members of other professions, such as physicians, psychologists, psychoanalysts, registered nurses, social workers, or ordained or licensed recognized religious practitioners performing counseling consistent with the laws of the state, their training and any code of ethics of their professions, provided they do not represent themselves by any title or description in the manner prescribed in Section 34-8A-2. Nothing herein shall prohibit religious counselors performing counseling services without remuneration.

(5) The activities, services, titles, and descriptions of qualified members of the law profession.

(6) The activities, services, titles, and descriptions of persons employed, as professionals or as volunteers, in the practice of counseling for public and private nonprofit organizations or charities.

(b) Nothing in this chapter shall be construed as permitting counselors licensed under this chapter to administer or prescribe drugs, or in any manner engage in the practice of medicine as defined by the laws of this state.

(c) Nothing in this chapter shall be construed as permitting a counselor licensed under this chapter to represent himself or herself in any manner to the public as an attorney as defined by the laws of this state.

(d) Nothing in this chapter shall be construed as permitting a counselor licensed under this chapter to represent himself or herself in any manner to the public as a psychologist as defined by the laws of this state.

(e) Lecturers from any school, college, agency, or training institution may utilize an academic or research title when invited to present lectures to institutions or organizations.

(f) Notwithstanding the exemptions provided in this section, those persons who file an application with the board or who are licensed as licensed professional counselors or associate licensed counselors shall comply with the regulations of the board and be subject to the disciplinary provisions of this chapter.

(Acts 1979, No. 79-423, p. 649, § 3; Act 2000-810, p. 1925, § 1; Act 2006-566, § 1.)

§ 34-8A-4. Board of Examiners in Counseling -- Creation; membership; Sunset provision.

There is created an Alabama Board of Examiners in Counseling, to consist of seven members who shall be appointed by the Governor pursuant to the requirements of this section.

Within 30 days from July 18, 1979, the Executive Committee of the Alabama Counseling Association, or its successor organization, shall submit to the Governor a list of qualified candidates for the board. The list shall contain names of at least four citizens from the general public, four qualified counselor educators, and six qualified practicing counselors from which the Governor, within 60 days, shall select the board. The board shall consist of two citizens from the general public, two counselor educators, and three counselors in private practice.

The initial appointments to the board shall be for the following terms: The term of two members is one year, the term of two members is two years, the term of three members is three years.

The professional membership of the board authorized under this section shall be licensed under this chapter, except that the initial professional members shall be members who have been rendering the private practice of counseling services for at least one year, or who have been giving instruction in counseling in a regionally accredited institution of higher learning for at least three years.

The board shall perform those duties and exercise those powers as this chapter prescribes and confers upon it. No member of the board shall be liable to civil action for any act performed in good faith for the performance of his or her duty pursuant to this chapter.

Board members shall be ineligible for reappointment for a period of three years following completion of their terms. Subsequent appointments to the board shall be made by the Governor in the following manner: Not later than October 1, of each year the Executive Committee of the Alabama Counseling Association, or its successor organization, shall submit to the Governor the names of two qualified candidates for the position on the board to be vacated by reason of expiration of term of office. From the two candidates the Governor shall appoint one member not later than January 1, to serve on the board for a term of five years. Other vacancies occurring in the board shall be filled for the unexpired term by appointment of the Governor from two candidates for each vacancy submitted within 30 days after the vacancy occurs by the Executive Committee of the Alabama Counseling Association, or its successor organization. The appointments shall be made within 30 days after the names of the candidates have been submitted. Any board members may be removed by the Governor, after notice and hearing, for incompetence, neglect of duty, malfeasance in office, or moral turpitude. Composition of the board shall always consist of two citizens, two counselor educators, and three counselors in private practice. The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state. A college or university shall have only one counselor educator representative, as a member of the board at any one time. In addition, no more than one practitioner from the same practice setting or corporation shall be members of the board at any one time.

Immediately and before entering public duties of the office, the members of the board shall take the constitutional oath of office and shall file the oath of office in the office of the Governor, who upon receiving the oath of office shall issue to each member a certificate of appointment. The board shall have available for the Governor or his or her representative detailed reports on proceedings and shall make annual reports in the form as required by the Governor.

The Alabama Board of Examiners in Counseling is subject to the provisions of the Alabama Sunset Law of 1981, and is classified as an enumerated agency pursuant to Section 41-20-3. The board shall automatically terminate on October 1, 2000, and every four years thereafter, unless a bill is passed that it be continued, modified, or reestablished.

(Acts 1979, No. 79-423, p. 649, § 4; Acts 1997, No. 97-154, p. 196, § 3; Act 2000-810, p. 1925, § 1.)

§ 34-8A-5. Board of Examiners in Counseling -- Officers; compensation; meetings; seal; rules and regulations; grants.

(a) The board shall elect annually a chair and a vice chair. Each member shall receive daily compensation as established by the board for each day actively engaged in the duties of the board and the same travel expense allowance as is paid to state employees for travel in the service of the board. At the request of the executive director, a board member may work additional days on behalf of the board. For such activities, the board member shall be compensated at the same daily rate for scheduled board meetings and shall receive the same travel expense allowance as is paid to state employees for travel in the service of the board. The amounts shall in no case exceed funds available to the board. The board shall hold at least one regular meeting each year. Additional meetings may be held at the discretion of the chair or at the written request of any three

members of the board. The board shall adopt a seal which shall be affixed to all licenses and certificates issued by the board. The board shall from time to time adopt those rules and regulations as the board may deem necessary for the performance of the duties of the board. The board may appoint and employ a qualified person possessing a high degree of professional skill, not subject to the State Merit System, to serve as executive director. The compensation of the executive director shall be established by the board. Four members of the board shall be empowered to accept grants from foundations and institutions to carry on the functions of the board.

(b) Notwithstanding any other contrary provision of law, the executive director employed by the board may be a practicing licensee of the board.

(Acts 1979, No. 79-423, p. 649, § 5; Acts 1997, No. 97-154, p. 196, § 3; Act 2004-69, p. 86, § 3; Act 2006-566, § 1.)

§ 34-8A-6. Inactive status; collection and disposition of fees, etc.; reactivation; renewal.

A licensee may request that the board designate his or her license with inactive status at any point prior to the date of renewal. Granting inactive status to a licensee revokes all privileges associated with this chapter until reactivation is requested by the licensee. Procedures for reactivating a license for practice status will be established by the board.

All fees from applicants seeking licensing or certification for private practice under this chapter, and all license, certificate, or renewal fees received under this chapter shall be paid to the board. No part of any fee shall be returnable under any conditions other than failure of the board to hold examinations at the time originally announced, whereupon the entire fee may be returned at the option of the candidate. All fees collected in this manner plus renewal fees and all gifts or grants shall be deposited in the State Treasury to the credit of the board. There is appropriated from the Treasury funds to the credit of the board to be used for printing, travel expenses of the board, and for other necessary expenses as are necessary to carry out the provisions of this chapter. Expenses shall be paid under the written direction of the chair of the board, or designee of the chair of the board, in accordance with normal state procedure.

The board is required to charge an application fee to be determined by the board. In addition to the application fee, the board may establish by rule a reasonable application package fee, supervising counselor approval processing fee, examination fee, provisional licensure fee, licensure reactivation fee, and fee for written verification of licensee status to a third party. The board shall determine and collect additional reasonable fees in amounts determined by the board.

Every licensed professional counselor or associate licensed counselor engaging in private practice in this state is required to pay biennially to the board by August 1 a renewal fee to be determined by the board. The chair thereupon shall issue a document renewing his or her license or certificate for a term of two years. The license or certificate of any counselor who fails to have his or her license or certificate renewed biennially by August 1 shall lapse. Failure to renew a license or certificate, however, shall not deprive the licensed professional counselor or associate licensed counselor of the right of renewal thereafter. A lapsed license or certificate may be renewed within a period of two years after lapse upon payment of fees in arrears, or thereafter, upon payment of a renewal fee as determined by the board. Any licensee whose license has

lapsed beyond six years must reapply under the current regulations for initial licensure. (Acts 1979, No. 79-423, p. 649, § 6; Acts 1997, No. 97-154, p. 196, § 3; Act 2000-810, p. 1925, § 1; Act 2006-566, § 1.)

§ 34-8A-7. Qualifications of applicants for professional counselor license; specialties.

The board shall issue a license as a licensed professional counselor to each applicant who files an application upon a form and in a manner as the board prescribes, accompanied by a fee as is required in this chapter, and who furnishes satisfactory evidence of the following to the board:

(1) The applicant is at least 19 years of age.

(2) The applicant is of good moral character.

(3) The applicant is not in violation of any of the provisions of this chapter and the rules and regulations adopted hereunder.

(4) The applicant has received a master's degree from a regionally accredited institution of higher learning which is primarily professional counseling in content based on national standards, or the substantial equivalent in both subject matter and extent of training. The board shall use the standards of nationally recognized professional counseling associations as guides in establishing the standards for counselor licensure.

(5) The applicant submits documentation of completion of 3,000 hours of supervised experience in professional counseling acceptable to the board. An applicant may subtract 1,000 hours of the required professional experience for every 15 graduate semester hours obtained beyond the master's degree, provided that those hours are clearly related to the field of professional counseling and are acceptable to the board. In no case may the applicant have less than 1,000 hours of the required professional supervised experience.

(6) The applicant demonstrates competence and knowledge in professional counseling by passing an examination, as the board prescribes. A specialty designation may be added upon demonstration to the board that the applicant has met the recognized minimum standards as established by nationally recognized certification agencies. Upon successful passage of an examination, and upon receipt of credentials from certifying agencies the board may, by a majority of the board members present and voting, consider the credentials adequate evidence of professional competence and recommend to the chair of the board that a license with appropriate specialty designation, if any, be approved. A licensed professional counselor cannot claim or advertise a counseling specialty unless the qualifications of that specialty have been met and have been approved by the board.

(Acts 1979, No. 79-423, p. 649, § 7; Acts 1997, No. 97-154, p. 196, § 3; Act 2000-810, p. 1925, § 1; Act 2006-566, § 1.)

§ 34-8A-8. Qualifications for associate licensed counselor.

The board shall issue a license as an associate licensed counselor to each applicant who files an application upon a form and in such manner as the board prescribes accompanied by such fees as are required by this chapter, and who furnishes satisfactory evidence of the following to the board:

(1) The applicant has complied with provisions outlined in subdivisions (1), (2), (3), and (4) of Section 34-8A-7;

(2) The associate licensed counselor may not practice without direct supervision by a licensed professional counselor. The plan for supervision of the associate licensed counselor is to be approved by the board prior to any actual performance of counseling on the part of the associate licensed counselor;

(3) Any associate licensed counselor after meeting the requirements specified in subdivisions (5) and (6) of Section 34-8A-7 may petition the board for licensure as a professional counselor. (Acts 1979, No. 79-423, p. 649, § 8; Act 2006-566, § 1.)

§ 34-8A-9. Application investigation; acceptance or rejection.

After investigation of the application and other evidence submitted, the board shall notify each applicant that the application and evidence submitted is satisfactory and accepted or unsatisfactory and rejected. If rejected, the notice shall state the reasons for such rejection. (Acts 1979, No. 79-423, p. 649, § 9; Act 2006-566, § 1.)

§ 34-8A-10. Examination.

The place of examination shall be designated in advance by the board, and such examination shall be given annually at such time and place and under the supervision as the board may determine, and specifically at such other times as in the opinion of the board the number of applicants warrants. (Acts 1979, No. 79-423, p. 649, § 10.)

§ 34-8A-11. Focus of examination.

The examination shall require that the applicant demonstrate his or her knowledge and application thereof in those areas deemed relevant to his or her specialty and those services he or she intends to offer to the public.

(Acts 1979, No. 79-423, p. 649, § 11; Act 2006-566, § 1.)

§ 34-8A-12. Reexamination.

In the event an applicant fails to receive a passing grade on the entire examination, the applicant may register and shall be allowed to take a subsequent examination.

(Acts 1979, No. 79-423, p. 649, § 12; Act 2000-810, p. 1925, § 1; Act 2006-566, § 1.)

§ 34-8A-13. Preservation of examination scores.

The board is required to preserve an examination score of each candidate, as part of its records for a period of two years following the date of examination.

(Acts 1979, No. 79-423, p. 649, § 13; Act 2006-566, § 1.)

§ 34-8A-14. Renewal; fees; continuing education; recertification or relicensing in a specialty.

Counselors licensed as a licensed professional counselor or as an associate licensed counselor by the board shall be required to submit biennially at the time of renewal a license renewal fee to be established by the board. No license shall be renewed unless the renewal request is accompanied by evidence satisfactory to the board of the completion during the previous 24 months of relevant professional and continued educational experience. The relevant experience required shall be sent in writing to all

licensed counselors one year prior to the renewal dates.

If any professional counselor or counselor associate duly licensed under this chapter, by virtue of additional training and experience, is qualified to practice in a specialty other than that for which he or she was deemed competent at the time of initial licensing, and wishes to offer such service under the provisions of this chapter, he or she is required to submit at the time of biennial renewal of licenses, additional credentials and he or she is to be given the opportunity to demonstrate his or her knowledge and application thereof in areas deemed relevant to his or her specialty. This procedure is considered a necessary part of the renewal process. No charge in addition to the renewal fee is levied.

(Acts 1979, No. 79-423, p. 649, § 14; Act 2006-566, § 1.)

§ 34-8A-15. Applicants qualified out-of-state; provisional license.

Upon application accompanied by fee the board may issue a license to any person who furnishes upon a form and in such manner as the board prescribes, evidence satisfactory to the board that he or she is licensed as a professional counselor or as a counselor associate by another state, territorial possession of the United States, District of Columbia, or Commonwealth of Puerto Rico if the requirements for such licensure or certification are substantially equivalent to those of this chapter.

In the event the board determines that requirements are not substantially equivalent to those of this chapter, the board may issue a provisional license. A provisional license may be renewed for an additional one-year period. Rules concerning the qualifications for provisional licensure shall be established by the board.

(Acts 1979, No. 79-423, p. 649, § 15; Act 2006-566, § 1.)

§ 34-8A-16. Disciplinary actions.

(a) The board by a majority of the board members present and voting is authorized to withhold, deny, revoke, or suspend, any license or certificate issued or applied for in accordance with this chapter or otherwise discipline a licensed professional counselor or associate licensed counselor upon proof by proper hearing that the applicant, licensed professional counselor, or associate licensed counselor:

(1) Has been convicted, within or without the jurisdiction of this state, of a felony, or any offense involving moral turpitude, the record of conviction being conclusive evidence thereof.

(2) Has violated the current code of ethics adopted by the board.

(3) Is using any narcotic or any alcoholic beverage to an extent or in a manner dangerous to any other person or the public, or to an extent that it impairs his or her ability to perform the work of a licensed professional counselor or associate licensed counselor with safety to the public.

(4) Has impersonated another person holding a professional counselor license or associate licensed counselor license or allowed another person to use his or her license or certificate.

(5) Has used fraud or deception in applying for a license or certificate or in taking an examination provided for in this chapter.

(6) Has allowed his or her name or license or certificate issued under this chapter to be used in connection with any person or persons who perform counseling services in private practice outside the area of their training, experience, or competence.

(7) Is legally adjudicated mentally incompetent, the record of the adjudication

being conclusive evidence thereof.

(8) Has willfully or negligently violated any of the provisions of this chapter or any of the rules and regulations adopted thereunder.

(9) Has been practicing as a counselor without a license.

(b)(1) Notice of denial, revocation, suspension, or disciplinary action is required to be sent by registered mail or personal service setting forth the particular reasons for the proposed action and fixing a date not less than 30 days nor more than 60 days from the date of the mailing or service, at which time the applicant, licentiate, or associate shall be given an opportunity for a prompt and fair hearing. The written notice shall be sent to the last known address of the person, but the nonappearance of the person shall not prevent the hearing. The hearing shall be conducted by the board by means of sworn, recorded testimony. Parties have the right to be represented by counsel and to conduct cross-examination of witnesses.

(2) On the basis of any hearing or upon default of applicant, licentiate, or associate, the board shall make a determination specifying its findings of fact and conclusions of law. A copy of the determination shall be sent by registered mail or served personally upon the applicant, licentiate, or associate. The decision of the board denying, revoking, or suspending the license or certificate shall become final 30 days after so mailed or served unless within that period the applicant, licentiate, or associate appeals the decision to the courts of this state in the same manner and subject to the same powers and conditions as now provided by law in regard to rulings, orders, and findings of other quasi-judicial bodies in Alabama, where not otherwise specifically provided. No appeal, while pending appropriate court action, shall supersede the denial, revocation, or suspension. All proceedings and evidence, together with exhibits presented at the hearings before the board in the event of appeal, are admissible in evidence in the court.

(3) Every order and judgment of the board shall take effect immediately on its promulgation unless the board in the order or judgment fixes a probationary period for applicant, licentiate, or associate. The order and judgment shall continue in effect unless upon appeal the courts by proper order or decree terminate it earlier. The board may make public its order and judgments in the manner and form as it deems proper.

(4) The board may suspend the license of a licensed professional counselor or of an associate licensed counselor for a period of one year. At the end of this period, the board shall reevaluate the suspension and may recommend to the chair the extension of the suspension not to exceed one additional year, the reinstatement, or revocation of the license. A person whose license has been revoked under this section may apply for reinstatement after a period of not less than three years from the date the denial or revocation is legally effective. The board may, upon favorable action by a majority of the board members present and voting, recommend reinstatement.

(c) In addition to any other disciplinary action, the board may levy and collect administrative fines for violations of this chapter or the rules or regulations of the board in an amount not to exceed one thousand dollars (\$1,000) for each violation. In addition to fines, the board may assess all legal costs for the preparation and execution of a disciplinary action against a licensee.

(d) The board may issue written reprimands to licensees as an alternative to a formal

hearing before the board. The board shall determine the procedures for a written reprimand that shall authorize the investigative committee and members of the board to deliberate and issue written reprimands. No less than two members of the board, along with the investigative committee, shall participate in deliberations leading to a written reprimand. All other members of the board shall remain available for possible appeal. The written reprimand shall not be published by the board, unless required by law, though a copy of the reprimand will be entered into the permanent file of the licensee for a period of time determined by the investigative committee and the members of the board issuing the reprimand. Licensees wishing to appeal the written reprimand may demand a formal hearing before the board members who were not involved in the original reprimand decision. The result of such an appeal may lead to withdrawal of the reprimand, retention of the reprimand, or imposition of additional penalties on the licensee by the board.

(Acts 1979, No. 79-423, p. 649, § 16; Acts 1997, No. 97-154, p. 196, § 3; Act 2000-810, p. 1925, § 1; Act 2006-566, § 1.)

§ 34-8A-17. Injunction, mandamus, etc.

When it shall appear to the board that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this chapter or any rule or order hereunder, the board in its discretion and in its own name may bring an action in any court of competent jurisdiction to enjoin such acts or practices, and to enforce compliance with this chapter or any rule or order hereunder, regardless of whether criminal proceedings have been or may be instituted. Upon a proper showing, a permanent or temporary injunction, restraining order or writ of mandamus shall be granted. (Acts 1979, No. 79-423, p. 649, § 17.)

§ 34-8A-18. Penalties; review; disciplinary oversight of licensees; legal counsel.

(a) In addition to any other powers and functions which may be conferred upon it by law, the board may issue an order assessing a civil penalty not less than five hundred dollars (\$500) and not more than five thousand dollars (\$5,000) against any person who holds himself or herself out to the public as a licensed professional counselor or associate licensed counselor or who uses any title or description as prescribed in subdivisions (1) and (4) of Section 34-8A-2, or who shall engage in the private practice of counseling and does not then possess in full force and virtue a valid license to engage in private practice as a licensed professional counselor or associate licensed counselor under this chapter.

(b) In determining the amount of any penalty, the board shall consider the seriousness of the violation, including any threat to the health, safety, or welfare of the public, the unlawful gain or economic benefit gained by the violation, the person's history of previous violations, and the person's efforts to mitigate and comply with this chapter.

(c) Civil penalties assessed in an order under this section and not paid within 60 days from the effective date of the order may be recovered in a civil action brought by the board in the Circuit Court of Montgomery County or the county in which the defendant does business.

(d) Judicial review of an order entered by the board under this section shall be conducted in accordance with the pertinent provisions for the judicial review of contested cases as provided under the Alabama Administrative Procedure Act.

(e) The board shall exercise its jurisdiction for disciplinary oversight of licensees during the period of their licensure. The board shall not accept voluntary surrender of a license on the part of a licensee to avoid possible disciplinary actions by the board. Securing inactive status of a license shall not negate jurisdiction of the board for a licensee's actions during any period of active licensure. If a former licensee or a licensee with inactive status is found to be in violation of the relevant state law or regulations, a public announcement of the decision of the board shall be proffered in a manner to be determined by the board.

(f) The Attorney General shall be the attorney of the board, but the board may employ other counsel. (Acts 1979, No. 79-423, p. 649, § 17; Act 2006-566, § 1.)

§ 34-8A-19. Board's quasi-judicial authority; sole licensing authority.

The Alabama Board of Examiners in Counseling shall have authority to administer oaths, to summon witnesses, to issue subpoenas, and to take testimony in all matters relating to its duties. The board shall be the sole agency in this state empowered to certify concerning competence in the private practice of counseling, and the sole board empowered to license for the private practice of counseling.

(Acts 1979, No. 79-423, p. 649, § 17; Act 2006-566, § 1.)

§ 34-8A-20. All qualified applicants licensed; signatures.

The Alabama Board of Examiners in Counseling shall license to engage in private practice all persons who shall present satisfactory evidence of attainments and qualifications under provisions of this chapter and the rules and regulations of the board. Such licensure shall be signed by the Chairman of the Board of Examiners in Counseling under the board's adopted seal. (Acts 1979, No. 79-423, p. 649, § 17.)

§ 34-8A-21. Privileged communications and confidential relations between practitioner and client.

For the purpose of this chapter, the confidential relations and communications between licensed professional counselor or certified counselor associate and client are placed upon the same basis as those provided by law between attorney and client, and nothing in this chapter shall be construed to require any such privileged communication to be disclosed. (Acts 1979, No. 79-423, p. 649, § 18.)

§ 34-8A-22. Code of ethics.

The Alabama Board of Examiners in Counseling shall adopt a code of ethics to govern appropriate practice or behavior as referred to in Section 34-8A-16 and Section 34-8A-17 and shall file such code with the Secretary of State within 30 days prior to effective date of such code. (Acts 1979, No. 79-423, p. 649, § 19.)

§ 34-8A-23. Waiver of requirement for prior practitioners.

For a period of one year from July 25, 1983, the board shall waive the requirements of subdivisions (7) and (8) of Section 34-8A-7, and shall grant the appropriate license upon payment of the required fee to any person submitting an application for licensure and proof of practice to the board who is qualified by experience to practice counseling, and who was engaged in such private practice of counseling as of July 18, 1979 in

Alabama. Proof of private practice shall be verified by a valid business license in force on or before July 18, 1979 and financial documents which clearly indicate that a fee, monetary or otherwise, was charged for counseling services rendered.

The Board of Examiners in Counseling shall be required to provide at least one legal notice of these provisions in the daily newspapers of this state.

(Acts 1979, No. 79-423, p. 649, § 22; Acts 1983, No. 83-591, p. 924, § 1.)

§ 34-8A-24. Liability.

There shall be no monetary liability on the part of, and no cause of action shall arise against a licensed professional counselor or associate licensed counselor in failing to warn of and protect from a client who has communicated to the licensed professional counselor or associate licensed counselor a serious threat of physical violence against a reasonably identifiable victim or victims. If there is a duty to warn and protect under the limited circumstances specified above, the duty shall be discharged by the licensed professional counselor or associate licensed counselor making reasonable efforts to communicate the threat to the victim or victims and to a law enforcement agency. No monetary liability and no cause of action may arise against a licensed professional counselor or associate licensed counselor who breaches confidentiality or privileged communication in the discharge of their duty as specified in this chapter.

(Act 2000-810, p. 1925, § 2.)

Board Members



Alabama Board of Examiners in Counseling

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